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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,999	08/09/2000	Robert M. Ayers	07844-366001	5412

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT PAPER NUMBER

2179

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,999

Applicant(s)

AYERS ET AL.

Examiner

Joshua D Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 69-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 69, 75-79 and 85-88 is/are rejected.
- 7) ☒ Claim(s) 70-74 and 80-84 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 07/04/2004.
2. Claims 69-88 are pending in this case. Claims 69 and 79 are independent claims. Claims 1-68 have been cancelled. Claims 69-88 are newly added claims.

Allowable Subject Matter

3. Claims 73-74 and 83-84 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Regarding added dependent claims 73 and 83, none of the references, either singularly or in combination, teach or suggest to a person of ordinary skill in the art at the time of the invention the amended features, "...for each additional column, associate an item of text in the additional column with the graphical element..." and "...reposition the graphical element on the page according to the new vertical position of the item having the greatest change in vertical position." The examiner notes that while repositioning a graphical element based on a text element is not a novel feature (See Examiner Referenced Patents and Non-patent Literature), but in combination with the other limitations of the method steps and system functions of the dependent claim (i.e. "...for each additional column, associate an item of text in the additional column with the graphical element..." and "...reposition the graphical element on the page according to the new vertical position of the item having the greatest change in vertical position.") the limitations of claims 73 and 83 are considered novel, and unobvious to a person of

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ordinary skill in the art at the time the invention was made in view of the prior art of record.

Dependent claims 74 and 84 incorporate all the limitations of claims 73 and 83, and thus would be allowable based on the same rationale as claims 73 and 83.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 69-71, 76-81, and 86-88 are rejected under 35 U.S.C. 102(e) as being anticipated by Schilit et al. (hereinafter Schilit, US Patent Number 6,687,876, filed December 30, 1998).

Regarding dependent claim 69, Schilit discloses a method in which a document represented in a page description language that includes a column of text and a graphical element not contained in that column of text in which both the text and the graphical element have vertical positions (Figure 3A). Schilit also discloses a method in which the width of the column is changed and as a result the text is reflowed in the column so the text items have new vertical positions (Figures 3A and 3B and column 4, line 55-column 6, line 30 of Schilit). At this point the graphical element is repositioned

based on the vertical position of specific text elements (Figures 3A and 3B and column 4, line 55-column 6, line 30 of Schilit).

Regarding dependent claims 70 and 71, Schilit discloses a method in which a second item is associated the graphical element based on vertical position (column 12, lines 10-67 of Schilit, Figures 3A-3B, items 56, 66, 68, and column 4, line 55-column 6, line 30 of Schilit). As a result of this the graphical element (annotation) is scaled in the vertical direction to fit based on the second items annotation (Figures 3A-3B, items 56, 66, and 68, and column 4, line 55-column 6, line 30 of Schilit).

Regarding dependent claim 76, Schilit discloses a method in which all of the text elements are replicated in the reflow document, which would include ligatures (defined in the art as combined characters (i.e. æ)) (Figures 3A and 3B and column 4, line 55-column 6, line 30 of Schilit).

Regarding dependent claim 77, Schilit discloses a method in which the graphic could consist of a drawn line (line art) (Figures 3A and 3B and column 4, line 55-column 6, line 30 of Schilit).

Regarding dependent claim 78, Schilit discloses a method in which the item of text can be a word, which includes a one-character word (Figures 3A and 3B and column 4, line 55-column 6, line 30 of Schilit).

Regarding independent claim 79 and dependent claims 80, 81, and 86-88, the claims incorporate substantially similar subject matter as claims 69-71 and 76-78. Thus, the claims are rejected along the same rationale as claims 69-71 and 76-78.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 72 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit et al. (hereinafter Schilit, US Patent Number 6,687,876, filed December 30, 1998) as applied to claims 70 and 80 above, and further in view of (hereinafter Kohno, US Patent Number 5,819,300, issued on October 6, 1998).

Regarding dependent claims 72 and 82, Schilit discloses a method of keeping track of the text element reference points for the graphical elements. However, Schilit does not disclose a method of creating a map showing the changes that occur in position. However, Kohno discloses a method in which a map (history) is made to track all of the changes made to the document (column 13, lines 5-47 of Kohno). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Schilit and Kohno because it would have allowed users track changes made as referenced to the original document.

8. Claims 75 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit et al. (hereinafter Schilit, US Patent Number 6,687,876, filed December 30, 1998) as applied to claims 69 and 79 above, and further in view of Microsoft Word 2000 (hereinafter Word, Microsoft Word 2000, published in 1999).

Regarding dependent claims 75 and 85, Schilit does not disclose a method of hyphen management for soft hyphens when resizing a document. However, Word

discloses a method in which a hyphen is used to split a word at the edge of a column, and the hyphen is maintained in the word even when the word is no longer separated (Pages 1-4 of Word). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the methods of Schilit with the method of Word because it would have allowed for a higher level of grammatical accuracy in a reflowed document.

Response to Arguments

9. Applicant's arguments with respect to claims 69-88 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 5,467,448

US Patent Number 5,845,303

US Patent Number 5,978,819

US Patent Application Publication Number 2002/0021308

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
October 8, 2004



STEPHEN S. HONG
PRIMARY EXAMINER